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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,533	12/04/2003	Wang-Seok Son	1594.1283	5943

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EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,533

Applicant(s)

SON ET AL.

Examiner

Jason Heckert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/25/06, 12/04/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 9-12, 17, 19 rejected under 35 U.S.C. 102(b) as being anticipated by Nichols. Nichols discloses a dishwasher 10, a cabinet 22, a rectangular base frame 26 adapted for rails 14 and 16. Said rails are provided for the attachment of rollers 18 and 20 which allow for the position of the rack assembly 30. Nichols also discloses numerous rotary members 38, 39, 40, 42 which are fixed to the frame to allow for the movement of the rack in a vertical manner. Rotary members 68 and 70 are fixed to the rack with pivotal attachments 72 and 74 to the rack, in a similar fashion as to how 38, 39, 40, and 42 are attached to the frame. These pivotal attachments can be considered hinge shafts.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2-7, 13-16, 18, 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Koji and further in view of Wolff. Nichols discloses

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rotary arms, but does not disclose a stopper or the rack rotating an angle substantially beyond a right angle. Koji discloses rotating arms attached to the top of a dishwasher frame capable of rotating a rack close to a right angle before some stopping means prevents further movement. Koji also discloses a drive means 17 for rotating the arms both forward and backward in a controlled manner. This serves as a functional equivalent to a dampener. Wolff discloses a rotating rack 63 in a storage apparatus where the rotating arms 72 and 92 are attached to the bottom of the apparatus. Wolff also discloses hinge mechanism 74 and 94 for allowing rotation of the rack to a degree substantially beyond 90 degrees. In Fig. 6, the storage rack is shown rotated forward at an angle of about 110 degrees before coming to rest on stopping means 37 attached to the frame of the storage device. When rotated backwards, the rack comes in close contact with the frame of the apparatus, as well as the other internal components. A handle 77 is further included on the rack. It would have been obvious at the time of the invention, to modify Nichols and implement the rotary arms with driving means as taught by Koji to the bottom of the apparatus as taught by Wolff in order to allow the rack to rotate outward for easy access.

5. In regards to claims 4, 5, 13 – 16, both Koji and Wolff disclose some sort of means to stop movement of the rotating arms and are functionally equivalent to the stopper mentioned in said claims. Furthermore, stopping means are notoriously well known in the art for restricting movement in rotating devices to less than 360 degrees of rotation. It would have been obvious to modify Nichols in view of Koji and Wolff, as

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stated above, and include their means or any well-known means to restrict the rotation of the rack.

6. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Scian. Nichols does not disclose a handle for moving the rack. Scian discloses a handle 6 for a rack for use in a dishwasher. Both ends of said handle are mounted to the rack as shown in Fig. 1 in a hinged manner that allows for rotation. It would have been obvious at the time of the invention to modify Nichols and include a rotating handle, as taught by Scian, on the rack to facilitate the raising or lowering of the rack.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR  
SUPERVISORY PATENT EXAMINER